

## Message Text

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PAGE 01 CANBER 03184 300859Z

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ACTION L-03

INFO OCT-01 EA-07 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /061 W

----- 094900

P 300751Z APR 76

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC PRIORITY 8064

LIMITED OFFICIAL USE CANBERRA 3184

FOR L/PM

E.O. 11652: N/A

TAGS: PGOV, PFOR, AS

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:

AUSTRALIAN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 094647

1. BUSINESS AFFAIRS DIVISION, ATTORNEY GENERAL'S OFFICE  
RESPONDED TO QUESTIONS IN REFTEL. ANSWERS ARE:

2A - YES

2B - YES

2C - YES

2D - NO

2E - NO

2F - YES

2. THE MOST IMPORTANT PIECE OF LEGISLATION IS THE SECRET  
COMMISSIONS ACT 1905 - 1973 OF COMMONWEALTH. THIS ACT  
APPLIES TO AUSTRALIA'S OVERSEAS AND INTERSTATE TRADE. THE  
ACT PROVIDES THAT AN AGENT: (1) ACTING WITHOUT THE KNOWLEDGE  
AND CONSENT OF THE PRINCIPAL; (2) RECEIVING OR GIVING GIFTS  
OR CONSIDERATIONS AS AN INDUCEMENT OR REWARD FOR EXPECTED  
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PAGE 02 CANBER 03184 300859Z

BEHAVIOR; (3) INTENDING TO DECEIVE THE PRINCIPAL IN A TRANS-

ACTION; AND (4) WHO BUYS AND/OR SELLS TO HIMSELF OR TO A FIRM IN WHICH HE HAS AN INTEREST WITHOUT CONSENT OF THE PRINCIPAL, IS GUILTY OF AN INDICTABLE OFFENSE. ACT ALSO PROVIDES THAT A PRINCIPAL MAY RECOVER AMOUNT OF SECRET GIFTS GIVEN WITHOUT HIS CONSENT IN CONTRAVENTION OF THE ACT. ANY PERSON WHO AIDS OR ABETS AN AGENT IN ILLEGAL ACTIVITIES SHALL BE DEEMED TO HAVE COMMITTED AN INDICTABLE OFFENSE. PENALTIES FOR THE ABOVE FOR CORPORATIONS IS A FINE OF TWO THOUSAND DOLLARS, WHEREAS GUILTY PERSONS ARE SUBJECT TO TWO YEARS' IMPRISONMENT OR ONE THOUSAND DOLLARS FINE, OR BOTH.

3. THE OTHER LEGISLATION IS LIMITED IN OPERATION, EITHER TO THE PUBLIC SERVICE (COMMONWEALTH OR STATE) OR TO INTRASTATE TRADE. A RELEVANT PROVISION OF THE CONSTITUTION PERTAINS TO THE CONDUCT OF SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES (SEE PAGE 11 OF THE CONSTITUTION BEING POUCHED).

4. USEFUL CONTACT IN WASHINGTON FOR ADDITIONAL INFORMATION IS: R.A. ST. JOHN, COUNSELLOR (ATTORNEY-GENERAL'S DEPT) AUSTRALIAN EMBASSY. MR. ST. JOHN WILL BE OF ASSISTANCE IN MATTERS RELATING TO THE POUCHED LAWS AND LEGISLATION.

5. PERTINENT LAWS AND LEGISLATION ARE BEING POUCHED TO L/PM.  
HARGROVE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CABINET, BRIBERY, LAW, BUSINESS FIRMS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
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**Draft Date:** 30 APR 1976  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** SmithRJ  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**TAGS:** PGOV, PFOR, AS, XX  
**To:** STATE  
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